

Application No.: 10/789,635

REMARKS

Terminal Disclaimer

In view of a telephone interview between Examiner Ware and Angela Dallas Sebor on September 15, 2005, and to expedite prosecution in this application, enclosed herewith is a terminal disclaimer. Applicants note that the filing of a terminal disclaimer to obviate an obviousness-type double patenting rejection is not in any way an admission of the propriety of such a rejection. The courts have held that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of the filing of the terminal disclaimer, it is Applicants' understanding that the above-identified application is in a condition for allowance.

Any further questions or concerns regarding this application should be directed to the below-named agent at (303) 863-9700.

Respectfully submitted,

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